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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,770	12/03/1999	CLIFFORD C. THOMPSON	2849/0G277	4218

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/454,770

Applicant(s)

THOMPSON, CLIFFORD C.

Examiner

Akiba K Robinson-Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications received 1/28/03, the present application is in RCE (Request for Continued Examination) status. The following is a non-final office action. The previous office action has been withdrawn and this new office action is presented for further clarification and to also reflect the claims as amended. Claims 1 and 3 are amended. Claims 1-39 are pending in this application, were examined on the merits and are rejected as follows.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/28/03 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-9, 11-17, 18-19, 21-27, 29-37, 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramsden, et al (US Patent 6,105,014).

As per claims 1, 17, Ramsden, et al discloses:

Providing the parcel to the carrier and dispatching the carrier to the location in accordance with delivery instructions associated with the parcel, the location corresponding to the address on the delivery instructions/including the additional step of dispatching a courier to the location of the secure receptacle in response to the notifying step, (Col. 11, lines 9-15, where "providing" represented by the packages being retrieved through the first service access opening, "dispatching" represented by presenting the carrier with the list of deposits that customers have selected for that particular delivery service, in this case, the parcel has not been picked up by the carrier yet, it is the manifest that tells the carrier which deposit door to retrieve packages out of, therefore, the carrier is dispatched to the particular deposit, where the "delivery instructions" are represented by the manifest since the customer enters in a desired zip code for a specific desired commercial delivery service [shown in Col. 8, lines 52-54 and Col. 9, lines 19-21];

Accessing the secure receptacle, (Col. 9, lines 51-61, represented by unlocking the magnetic lock to permit the customer it slide the outer door);

Placing the parcel within the secure receptacle, (Col. 9, lines 61-63, represented by placing the parcel or package on the flat surface immediately to the rear of outer door);

Securing the secure receptacle, (Col. 2, lines 60-65, Col. 13, lines 58-62, represented by the door of the storage area being accessed and secured by a combination or code type lock);

automatically registering the placement of the parcel within the secure receptacle after the securing step, (Col. 2, line 57-60, Col. 2, line 65-Col. 3, line 4, represented by providing the shipping receipt):

As per claims 2, 22, Ramsden, et al discloses:

reading a code on the parcel in response to the securing step...(Col. 18, lines 34-41, represented by providing manifest information to the service personnel upon receipt of certain codes);

storing the code in a memory...(Col. 18, lines 41-44, represented by providing the manifest information into the DIAD board).

As per claims 3, 23, Ramsden, et al discloses:

accessing a remote location by a communication link, (Col. 24, lines 26-32, represented by the telephone communications link);

conveying the placement data to the remote location, (Col. 24, lines 33-37, represented by the data pertaining to the parcel being automatically transmitted to the remote monitoring system);

wherein the registering step is in response to and contemporaneously with the securing step, (Col. 2, lines 57-67, where registering is analogous to providing the receipt).

As per claims 4, 19, Ramsden, et al discloses:

wherein the secure receptacle has a locked state and an unlocked state and wherein the securing step includes the additional step of:

moving from the locked state to the unlocked state after receiving the parcel, (Col. 13, lines 58-62, represented by deactivating the magnetic lock upon entry of a code).

As per claims 5, 21, 33, Ramsden, et al discloses:

wherein the authorized identifier is received from at least one of ...a key pad.../wherein the access device is configured to receive at least one of:...a code from a keypad...(Fig. 8, [226], represented by the picture of a keyboard).

As per claims 6, 31, Ramsden, et al discloses:

wherein the secure receptacle has a locked state and an unlocked state, and where the securing step includes...moving from the unlocked state to the locked state upon receiving the parcel.../wherein the lock secures the door...(Col. 14, lines 45-54, represented by the customer closes the open outer slide door. Once the outer slide door is closed, it is locked by the control of the microprocessor as shown in Col. 18, lines 28-30).

As per claims 7-9, 24-27, Ramsden, et al discloses:

including the additional step of generating a log entry in response to the accessing/securing/registering step (Col. 10, lines 32-45, where the log entry is represented by the master control screen which includes the package history log).

As per claim 11, Ramsden, et al discloses:

wherein the registering step is in response to and contemporaneously with the securing step, (Col. 2, lines 57-67, where registering is analogous to providing the receipt).

As per claims 4, 19, Ramsden, et al discloses:

wherein the secure receptacle has a locked state and an unlocked state and wherein the securing step includes the additional step of:

moving from the locked state to the unlocked state after receiving the parcel, (Col. 13, lines 58-62, represented by deactivating the magnetic lock upon entry of a code).

As per claims 5, 21, 33, Ramsden, et al discloses:

wherein the authorized identifier is received from at least one of ...a key pad.../wherein the access device is configured to receive at least one of:...a code from a keypad...(Fig. 8, [226], represented by the picture of a keyboard).

As per claims 6, 31, Ramsden, et al discloses:

wherein the secure receptacle has a locked state and an unlocked state, and where the securing step includes...moving from the unlocked state to the locked state upon receiving the parcel.../wherein the lock secures the door...(Col. 14, lines 45-54, represented by the customer closes the open outer slide door. Once the outer slide door is closed, it is locked by the control of the microprocessor as shown in Col. 18, lines 28-30).

As per claims 7-9, 24-27, Ramsden, et al discloses:

including the additional step of generating a log entry in response to the accessing/securing/registering step (Col. 10, lines 32-45, where the log entry is represented by the master control screen which includes the package history log).

As per claim 11, Ramsden, et al discloses:

Generating a pick-up request with shipping information including an identification of the location of the secure receptacle and an identification of a carrier, (Col. 2, lines 47-55, represented by the destination and the delivery service option that is selected by the consumer);

Transmitting the pick-up request from the vicinity of the location to a remote location associated with the carrier, (Col. 11, lines 9-15 and lines 53-56, represented by the manifest that is presented to the commercial delivery service);

Dispatching the carrier to the location of the secure receptacle in response to the pick-up request...(Col. 29, lines 20-23, Col. 11, lines 9-15 and lines 53-56, represented by presenting a list of deposits for a particular delivery service person chosen by the customer);

accessing the secure receptacle, (Col. 29, line 28-31, represented by the carrier entering in a code in a lock on a locked door);

removing the parcel from the secure receptacle, (Col. 29, lines 34-37, represented by receiving the stored packages from the designated area);

registering the removal of the parcel from the secure receptacle after the removing step wherein the registering step is in response to and contemporaneous with the removing step...(Col. 29, lines 31-34, Col. 2, line 65-Col. 3, line 4, where registering is analogous to providing the receipt).

As per claim 12, Ramsden, et al discloses:

labeling the parcel in preparation for shipping with shipping information including an identification of the location of the secure receptacle, (Col. 21, lines 33-35, represented by applying the printed label on the parcel);

placing the parcel in the secure receptacle, (Col. 21, lines 35-38, represented by repositioning the parcel on the conveyor belt);

in response to the placement of the parcel within the secure receptacle, automatically notifying a carrier of the shipping information, (Col. 9, lines 51-Col. 10, line 9, Col. 11, lines 10-16, represented by the manifest being presented to the carrier where the shipping information is in the manifest).

As per claim 13, Ramsden, et al discloses:

including the additional step of securing the secure receptacle after placing the parcel in the secure receptacle, (Col. 21, lines 59-62, represented by locking the outer door).

As per claim 14, Ramsden, et al discloses:

generating a code containing recipient information, (Col. 21, lines 22-26, represented by bar code which provides tracking information [analogous to recipient information]);

affixing the code to the parcel, (Col. 21, lines 33-35, represented by applying the label to the parcel).

As per claims 15 and 16, Ramsden, et al discloses:

wherein the notifying step includes the step of transmitting the placement data to the remote location by a communication link/wherein the notifying step includes the steps of : accessing a remote location by a communication link...(Col. 24, lines 26-32 and lines 38-43, represented by the telephone communications link).

As per claim 18, Ramsden, et al discloses:

electronically measuring the parcel dimensions, (Col. 3, lines 8-10, represented by length, width, height) and electronically measuring the parcel weight...(Col. 3, lines 7-8, represented by the weight of the parcel);

As per claim 20, Ramsden, et al discloses:

wherein the authorized identifier is received from an access device...(Col. 13, lines 58-62 w/ Col. 18, lines 38-41, where the authorized identifier is derived from the code and the access device is represented by the input device)

As per claim 29, Ramsden, et al discloses:

a secure receptacle for receiving the parcel, the secure receptacle being positioned in a wall of an edifice, the secure receptacle having a secured opening from the exterior side of the wall preventing access to the interior space and an unsecured opening from the interior side of the wall allowing access to the interior space of the receptacle by persons on the interior side of the wall of the edifice, (Col. 12, lines 30-48, Col. 13, lines 8-21, Col.19, lines 55-58 and Col. 22, lines 4-10, represented by the outer housing that has a hinged inner door and an outer surface. In this case, the only way the inner door can be unsecured is if it is determined that the correct package has been placed and the conveyor belt sends the package through the inner door to the secure storage is activated. In this case, the exterior side and the interior space of the present invention is analogous to the inner door of the outer housing, and storage space through the inner door of Ramsden et al respectively);

a locking mechanism for securing the secure receptacle from the exterior side of the wall...(Col. 22, lines 4-10, represented by locking the outer door, [analogous to preventing access to the interior space]);

a scanner positioned within the secure receptacle to scan information on the parcel, (Col. 16, lines 49-54, represented by the holographic scanner);

a communication device connected to the output of the scanner, (Col. 16 lines 57-60, represented by the control device).

As per claim 30, Ramsden, et al discloses:

a platform for holding the parcel, (Col. 14, lines 30-32, represented by the platform which is adjacent to scale);

a door for selectively providing access to the platform, (Col. 14, lines 45-49, represented by outer sliding door);

a lock for securing the door when the door is closed, (Col. 14, lines 42-44, represented by magnetic lock).

As per claim 32, Ramsden, et al discloses:

released in response to a signal from the access device, (Col. 14, lines 42-44, where signal is represented by the application of the label to the parcel).

As per claim 34, Ramsden, et al discloses:

wherein the communication device transmits the information received from the scanner to a remote location in response to locking the secure door, (Col. 16, lines 57-66, Col. 24, lines 1-6, lines 33-37, represented by the control device).

As per claim 35, Ramsden, et al discloses:

further comprising a button connected to the communication device for initiating a communication to a remote location, (Col. 8, lines 11-19, represented by the start button).

As per claim 36, Ramsden, et al discloses:

further comprising a scale for registering the weight of the parcel, (Col. 3, line 7, represented by the scale for weighing the parcel).

As per claim 37, Ramsden, et al discloses:

further comprising a ruler for registering the dimension of the parcel, (Col. 3, lines 8-9, represented by measuring apparatus).

As per claim 39, Ramsden et al discloses:

Wherein the communication device is connected to the locking mechanism...(Col. 9, line 50-Col. 10, line 6, where communication device is analogous to the control system).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 28, 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsden, et al (US Patent 6,105,014).

As per claim 10, 28, Ramsden, et al fails to disclose:

where in the placing step is performed at night.

Official notice is taken that it is old and well known in the parcel delivery art to place the parcel within the secure receptacle at night. It would have been obvious to one of ordinary skill in the art to place the parcel within the secure receptacle at night with the motivation of keeping the package secure by avoiding outside interferences that are reduced at night.

As per claim 38, Ramsden, et al fails to disclose:

wherein the secure receptacle has a waterproof shell.

Official notice is taken that it is old and well known in the parcel delivery for the secure receptacle to have a waterproof shell. It would have been obvious to one of ordinary

skill in the art for the secure receptacle to have a waterproof shell for the motivation of keeping the package together and guaranteeing security.

Response to Arguments

7. Applicant's arguments filed 1/28/03 have been fully considered but they are not persuasive.

As per claim 17, the applicant argues that Ramsden et al provides no mechanism to protect a package once delivered and that Ramsden et al provides a kiosk in which packages are centrally dropped off by customers for delivery to destinations indicated on respective packages, but there is no secure receptacle for receiving the packages once the parcel is thereafter delivered by the courier. However, Ramsden et al does disclose a secure receptacle for receiving packages. This secure receptacle is disclosed in Col. 12, lines 30-48 where an outer housing having an inner surface and an outer surface is disclosed. At some point, the customer slides the door of the outer surface open and places the parcel inside the housing. If the parcel matches the printed label, the magnetic lock locks the outer door to prevent further access to the package by the customer (See Col. 21, lines 59-62). The conveyor belt then transports the package and the inner door is opened for the package to move into the secure storage area accessible by the courier upon package validation. Since the package is transported to a location that the customer does not have access to, but the courier does, this location is therefore considered secure. In addition, Ramsden et al also discloses that in relation to the shipment of the parcel, the receipt must be stamped with

a unique vendor stamp, which is initialed by the person receiving the package for secure deposit in Col. 29, lines 10-14.

As per claims 11 and 12, the applicant argues that these claims address needs not recognized nor accommodated by Ramsden et al. Specifically, the applicant argues that the present invention discloses that carriers are purposefully dispatched to specific locations in response to pick-up requests that are issued from arbitrary locations such as a house, a neighboring house, and a house around the corner. However Ramsden et al discloses these features. Dispatching of the carriers to specific locations is shown in Ramsden et al by presenting the manifest list to the delivery service person shown in Col. 11, lines 10-16. This passage represents dispatching since these deposits are selected for a particular delivery service. These deposit or pick-up locations are assigned specifically, and not just chosen randomly by any delivery service person. In this case, the parcel has not been picked up by the carrier yet, it is the manifest that tells the carrier which deposit door to retrieve packages out of, therefore, the carrier is dispatched to the particular deposit. In addition, it is shown that a zip code in which the customer desires to send the package to is entered in by the customer in Col. 8, lines 52-54. Therefore, the customer has the ability to choose a specific drop off location along with a specific carrier to deliver that package to the specific location. This selected criteria serves as the pick-up request from the customer. Whether or not the pick-up request is issued from a house, a neighboring house, and a house around the corner does not hold patentable weight to the claim since the claim is directed to a

method for shipping a parcel from a secure receptacle and as discussed above with respect to claim 17, Ramsden et al, discloses this feature.

Likewise, Ramsden teaches the limitation of claim 12 that discloses that the parcel is labeled "with shipping information, including an identification of the location of the secure receptacle" in Col. 21, lines 22-26 where it is disclosed that the system may automatically provide tracking information on the label of the parcel or envelope being shipped by printing a bar code on the label of the parcel in addition to destination information. This tracking information gives the Ramsden et al reference the ability to locate the package at all times, including when the package is at the pick-up location. In Col. 21, lines 32-34, it is shown that the label is then applied to the parcel once all of the label information has been verified which represents labeling of the parcel.

According to the applicant's argument on Page 5 of the response submitted, Ramsden et al discloses a system where a carrier is dispatched to a predetermined location independent of any instructions associated with any packages. However, as discussed with respect to claim 17, the carrier is dispatched to the location according to the manifest, which serves as the instructions. The manifest contains a list of deposits that customers have selected for a particular delivery service. As described above with respect to claims 11 and 12, deposits are selected for a *particular* delivery service. In this case, the parcel has not been picked up by the carrier yet, it is the manifest that tells the carrier which deposit door to retrieve packages out of, therefore, the carrier is dispatched to the particular deposit. These pick-up locations are assigned specifically, and not just chosen randomly by any delivery service person. In addition, it is shown

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that a zip code in which the customer desires to send the package to is entered in by the customer in Col. 8, lines 52-54. Therefore, the customer also has the ability to choose a specific drop off location along with a specific carrier to deliver that package to a particular location. The carrier is only dispatched to a known location in order to retrieve the manifest. Col. 23, lines 52-55 shows that the carrier arrives at the storage area at the same time everyday to retrieve the packages and the manifest. Once the carrier has the manifest, he or she then delivers the packages according to the destination on the manifest.

In addition, according to the applicant, claim 29 is patentably distinct over Ramsden et al. The applicant argues that Ramsden et al does not disclose a receptacle which secures an interior space from the exterior of the edifice yet has an unsecured opening in the interior side of the edifice which permits persons who rightfully have access to the edifice to gain access to the inside of the receptacle. However, Ramsden et al does disclose this feature in Col. 12, lines 30-48, Col. 13, lines 8-21 and Col. 22, lines 4-10. The outer housing represents the secure receptacle. This outer housing has a hinged inner door and an outer surface. In this case, the only way the inner door can be unsecured is if it is determined that the correct package has been placed and the conveyor belt sends the package through the inner door to the secure storage is activated. In this case, the exterior side and the interior space of the present invention is analogous to the inner door of the outer housing, and storage space through the inner door of Ramsden et al respectively. In Ramsden et al, the secure receptacle is set up so that only authorized personnel or representatives of a

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commercial delivery service can open the door of the storage area (See Col. 13, lines 58-62).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30 am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
April 10, 2003



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600